

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

OPINION AND ORDER

Plaintiff,

v.

11-cr-025-wmc

MAURICE MAXWELL,

Defendant.

Pursuant to *United States v. Paladino*, 401 F.3d 471, 483-84 (7th Cir. 2005), the Seventh Circuit Court of Appeals has remanded this matter for the limited purpose of allowing the court to advise “whether it wants to resentence the defendant” in light of the applicability of “a significant difference in the advisory Guidelines range.” *United States v. Maxwell*, slip op. No. 12-1809 (July 19, 2013), at 9-11. I have since reconsidered (1) the materials provided the court during trial and at the time of Maxwell’s original sentencing; (2) the limited influence the original, minimum applicable advisory guideline of 262 months had on the court’s original 144 month sentence (before reducing it to 125 months for time served on related conduct in state custody); (3) the limited impact a minimum applicable guideline of 210 months would have if required to resentence; and (4) the other factors which led me to arrive at my original sentence.

Were I required to resentence, this court advises that its consideration of the advisory guideline range of 262 to 327 months played some role in the court’s imposition of its original sentence and, more to the point, a revised range of 210 to 240 months would play some role in arriving at an appropriate sentence on remand. Accordingly, a remand for resentencing would seem appropriate.

ORDER

IT IS ORDERED that the clerk of court provide a copy of this Opinion and Order to the clerk for the United States Court of Appeals for the Seventh Circuit for filing in that Court's Case No. 12-1809.

Entered this 12th day of August, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge